

ORIGINAL

In the United States District Court  
For the District of Hawaii

Anthony Nesbit  
Plaintiff

CW 03.00455 SOM-KSC  
Consolidated

vs.  
State of Hawaii Dept  
of Public Safety et al,  
Defendants

Plaintiffs request leave of Court to  
supplement their concise statement  
of facts.

William J. Kotis  
Plaintiff

CW 04-00167  
Consolidated

SOM-KSC  
FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

vs.  
State of Hawaii Dept  
of Public Safety et al,  
Defendants

JAN 17 2006

at 4 o'clock and 25 min. PM  
SUE BEITIA, CLERK

Come Now Plaintiffs Anthony Nesbit and William Kotis  
pro se and in forma pauperis to request from this Honorable  
Court to be able to add New Genuine issues of Material fact  
(New Evidence) and add this to plaintiffs Concise statement of  
facts and this New Evidence will be filed with this Honorable  
Court no later than February 16, 2006

The New Evidence will only be added to the Concise state  
ment of facts and will comply with the rules for Concise state  
ment of facts.

Plaintiff Anthony Nesbit reviewing information that he  
could be transferred to another prison facility at any time mailed  
plaintiffs Opposition Jan 9, 2006. The reason for this is that  
a inmate must mail all legal material and personal items he  
has accumulated home or they will be destroyed also upon entering  
a new prison facility. legal papers that are considered in excess  
and personal items in excess are confiscated and held until they  
are either approved or mailed home. This could and would  
leave plaintiff with nothing to work with.

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Plaintiff having experienced this before understood that all his legal papers would and could be confiscated this includes legal materials used for reference prior pleadings, defendants motions and pleadings. Case Law Copies pens, pencils eraser, and all this on a moment's notice would be required to be mailed home or face being thrown away as trash. This is done for security reasons from sending prison facility and receiving prison facility when transfers occur.

Plaintiff Anthony Nesbit understood this would and could extremely limit his ability to adequately litigate. Plaintiff then put together in a hurry plaintiffs Opposition and Concise statement of facts and mailed this January 2<sup>nd</sup> 2006.

Plaintiff is trying to explain to the Honorable Court some of the unforeseen and foreseeable problems plaintiffs and pro se inmates face. Plaintiff is still waiting for defendants Ordered discovery Materials and it is this New discovery Material plaintiffs wish to add only to their Concise statement of facts as if Yet this discovery Material has not been reviewed by plaintiffs.

Plaintiff understand their inadequacy in litigation and have tried to obtain Counsel without success. Plaintiff Anthony Nesbit has a school record that shows he completed the 6<sup>th</sup> grade only, Plaintiff did attend 7<sup>th</sup> grade but never completed this Plaintiff Anthony Nesbit is the only plaintiff in this Consolidated Complaint actively and vigorously litigating plaintiffs Complaint. Plaintiff pray the Honorable Court will take all this into consideration. Plaintiffs believe their Complaint has Merit and involve important issues.

Respectfully Submitted

Date January 16<sup>th</sup> 2006

Anthony Nesbit  
Plaintiff pro se

In the United States District Court  
For the District of Hawaii

Anthony Nesbitt  
Plaintiff

Civ. No. 03-00455 SOM-KSC  
(Consolidated)

vs.

State of Hawaii Dept  
of Public Safety, et al  
Defendants

Certificate of Service

William J. Kotis  
Plaintiff

Civil No. 04-00167 SOM-KSC  
(Consolidated)

vs.

State of Hawaii Dept  
of Public Safety, et al  
Defendants

Certificate of Service

Plaintiffs declare that a foregoing true and correct  
Copy of document herein was sent to Defendants  
last known address via U.S. Mail postage pre paid

Dept of Attorney General  
John M. Gregor  
425 Queen Street  
Honolulu, Hawaii 96813  
Attorney for Defendants

Date January 10<sup>th</sup> 2006

Anthony Nesbitt  
plaintiff prose